

HOUSE BILL 2712
By Turner (Ham)

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, relative to certain student health care activities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, is amended by adding the following as a new, appropriately designated section:

Notwithstanding the provisions of any law to the contrary, a local board of education or a governing board for a non-public school may permit an unlicensed employee or volunteer to assist in self-administration of medication and/or to carry out a delegated health care activity, (such as performing a procedure or administering medication to students during the school day or at related events) under the following conditions:

(1) With respect to self-administration of medication-

(A) The student must be competent to self-administer non-prescription and prescription medication with assistance;

(B) The student's condition, for which medication is authorized and/or prescribed, must be stable;

(C) The self-administration of the medication must be properly documented; and

(D) Guidelines, for the assistance in self-administration of non-prescription and/or prescription medication by unlicensed personnel in the

school setting, developed by the department of health and approved by the board of nursing, must be followed.

(2) With respect to delegated health care activities-

(A) All delegation must be consistent with the National Council of State Boards of Nursing and the American Nurses Association's delegation decision-making process and the related policies and guidelines of the department of health, as approved by the board of nursing which shall have enforcement authority over the delegation provisions of this act;

(B) The person authorized to carry out a delegated health care activity must receive basic training and supervision by a properly qualified registered nurse or physician functioning within the authorized scope of practice, the nature of such training to be determined by the registered nurse or physician who shall also supply written guidelines for the procedures to the trainee;

(C) All training and supervision must be performed pursuant to policies and guidelines, jointly developed by the department of health and the department of education and approved by the board of nursing. If the department of health is to provide the training and supervision, there must be a written contract between the local board of education and the department of health; and

(D) Subsequent to any training provided and prior to the trainee actually performing a delegated task, the registered nurse or physician must determine if the trainee is qualified.

(3) The student's parent or guardian shall give permission in writing, for assistance with self-administration of medication and/or performance of health care activities, which shall be kept in the student's school records. The authority

to delegate shall not extend to the administering of medications by injection, except in an emergency or life threatening situation or as permitted under Section 68-140-510. Any person assisting in self-administration of medication or performing delegated health care activities under this section and any local board of education or governing board for a non-public school authorizing the same shall not be liable in any court of law for injury resulting from the reasonable and prudent assistance in the self-administration of such medication or the reasonable performance of the delegated health care activities, if performed pursuant to the policies and guidelines developed by the department of health in conjunction with the department of education and approved by the board of nursing.

SECTION 2. The department of education and the department of health shall jointly compile an annual report of the medications and health care procedures which are administered, as provided for in this part, to students served in all public and non-public accredited schools in the state. This report shall be provided to the governor and the general assembly by August 31 of each year and shall include recommendations for meeting the needs for comprehensive school health needs including, but not limited to, the needs of special education students and students with needs which require the training provided for in this part.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.